

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 30-37 and 44-58 are in the case.

I THE INTERVIEW

At the outset, the undersigned wishes to thank the Examiner for kindly agreeing to conduct an interview in this case. The interview was held on April 10, 2007 and further on April 18, 2007.

To facilitate the interview, proposed amended claim 30 (corresponding to amended claim 30 presented herewith) was telefaxed to the Examiner for consideration. The amendment to claim 30 stated that the ester cross-links are hydrolysable to release said scale inhibitor. Basis appears in the paragraph bridging pages 10 and 11 of the originally filed application. The Examiner discussed the proposed claim revisions with his supervisor, and no agreement was reached as to whether claim 30 as amended was allowable. However, the Examiner indicated that if claim 30 is amended as proposed, further searching would be required. In light of that indication, the present response is accompanied by an RCE. Entry and consideration of the amended claims presented herewith are respectfully requested.

I. ALLOWABLE SUBJECT MATTER

It is noted, with appreciation, that claims 44-48 and 52-58 are allowable.

III. THE OBVIOUSNESS REJECTION

Claims 30-37 and 49-51 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent 5,089,150 to Hen, in view of Bates. That rejection is respectfully traversed.

Claim 30 as now amended claims particles of an esterifiable scale inhibitor cross-linked with a polyol via ester cross-links, wherein the ester cross-links are hydrolysable to release the scale inhibitor, and wherein the particles have a mean diameter of less than 1 micron. Claim 53 has also been amended to reflect this feature. As noted earlier, support for this amendment appears in the application as originally filed in the paragraph bridging pages 10 and 11. No new matter is entered.

Neither Hen nor Bates suggests particles of an esterifiable scale inhibitor cross-linked with a polyol via ester cross-links, wherein the ester cross-links are hydrolysable to release the scale inhibitor, and wherein the particles have a mean diameter of less than 1 micron. Absent any such suggestion in either reference, it is clear that one of ordinary skill would not have been motivated to resort to Hen or Bates, either singly or in combination, to make such particles or expect to that such particles would possess useful properties. Absent any such motivation, a *prime facie* case of obviousness of the presently claimed invention does not exist. Reconsideration and withdrawal of the outstanding obviousness rejection are accordingly respectfully requested.

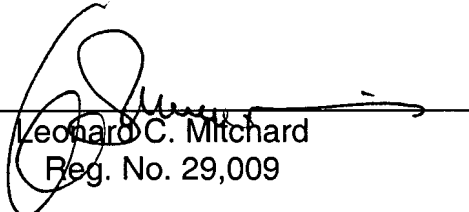
COLLINS et al
Appl. No. 10/511,747
April 25, 2007

Favorable action on this application is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
Reg. No. 29,009

LCM:lfm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100